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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 STEPHEN SZCZEPANIK,) 3:03-cv-00043-HDM-VPC
10 Plaintiff,)
11 vs.) ORDER
12 THE STATE OF NEVADA, NEVADA)
13 DEPARTMENT OF CORRECTIONS,)
14 LOVELOCK CORRECTIONAL CENTER,)
15 NEVADA DISABILITY ADVOCACY AND)
16 LAW CENTER,)
17 Defendant.)
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19 The court has considered the report and recommendation of the
20 United States Magistrate Judge (#59) filed on March 22, 2007, in
21 which the Magistrate Judge recommends that this court grant in part
22 and deny in part the defendant's motion for summary judgment (#52).

23 The court has considered the pleadings and memoranda of the
24 parties and other relevant matters of record and has made a review
25 and determination in accordance with the requirements of 28 U.S.C.
26 § 636 and applicable case law, and good cause appearing, the court
hereby

ADOPTS AND ACCEPTS in part the findings and recommendation of

the Magistrate Judge. The Magistrate Judge's recommendation granting partial summary judgment on those portions of counts I and II of the plaintiff's complaint relating to the alleged deprivation of mental health services and the refusal to provide plaintiff with a single cell are **ADOPTED**. On plaintiff's Religious Freedom Restoration Act claim and the portion of counts I and II relating to lockdown, the Magistrate Judge has extended discovery for a period of 60 days from the date of entry of this order. Accordingly, this court reserves its judgment on the balance of plaintiff's claims until such time as discovery is completed and until the court has considered any renewed motion for summary judgment. The trial set for July 10, 2007, is hereby **VACATED**, and is reset for August 27, 2007. Leave is granted to the defendants to renew their motion for summary judgment on the remaining claims within 5 days of the completion of discovery. The plaintiff's response shall be filed within 15 days of the filing of any renewed motion for summary judgment.

IT IS SO ORDERED.

DATED: This 11th day of April, 2007.



UNITED STATES DISTRICT JUDGE